

BILL ANALYSIS

Senate Research Center

S.B. 532
By: Whitmire
Criminal Justice
7-9-93
Enrolled

BACKGROUND

Senate Bill 532 was originally conceived as the enabling legislation for the 10,000 jail backlog beds, or "Alberti beds." They will be co-located at current prison sites in Abilene, Palestine, and Huntsville, as well as Chase Naval Air Base.

House Bill 93, 2nd Called Session, 72nd Legislature, 1991, provides that the state has the duty to accept all "paper ready" inmates by September 1, 1995. To meet this obligation, S.B. 532 proposes to create a State Jail System which will incarcerate non-violent felony offenders, leaving the hard prison beds for the state's violent offenders.

PURPOSE

As enrolled, S.B. 532 creates the state jail division of the Texas Department of Criminal Justice and provides for the operations of other divisions of the department and community supervision and corrections department, provides for the certification of certain offenders and the confinement of certain felons convicted of state jail felonies or awaiting transfer from county jails to the institutional division of the Texas Department of Criminal Justice; provides penalties; makes an appropriation from the economic stabilization fund.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the community justice assistance division of the Texas Department of Criminal Justice under SECTION 1.07 (Section 507.001(b), Government Code), to the Texas Board of Criminal Justice under SECTION 1.07 (Section 507.027, Government Code), SECTION 2.01 (Sections 2 and 5(d) Article 42.13, Code of Criminal Procedure), to the State Board of Education under SECTION 1.14 (Section 13.0323(a), Education Code), to the Texas Board of Criminal Justice under SECTION 10.02 (Section 6A(a), Article 42.18, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1

SECTION 1.01. Amends Section 491.001(a), Government Code, by adding Subdivision (7) to define "state jail division."

SECTION 1.02. Amends Section 493.002(a), Government Code, to include the state jail division among the divisions of the Texas Department of Criminal Justice (department).

SECTION 1.03. Amends Chapter 493, Government Code, by adding Section 493.0051, as follows:

Sec. 493.0051. STATE JAIL DIVISION. Requires the state jail division to operate and manage state jails to confine defendants described by Section 507.002.

SECTION 1.04. Amends Section 494.008(a), Government Code, to authorize the director of the institutional division or the director's designee to authorize employees of the institutional division to transport inmates and to apprehend escapees from any division of the department.

SECTION 1.05. Amends Section 498.003(e), Government Code, to make conforming and nonsubstantive changes.

SECTION 1.06. Amends Chapter 499, Government Code, by adding Subchapter G, as follows:

SUBCHAPTER G. TRANSFER FACILITIES

Sec. 499.151. **AUTHORITY TO OPERATE OR CONTRACT FOR TRANSFER FACILITIES.** (a) Authorizes the institutional division to operate, maintain, and manage transfer facilities to confine inmates described by Section 499.152, and authorizes the board to finance and construct those facilities. Authorizes the institutional division, with the approval of the board, to contract with a private vendor or the commissioners court of a county for the financing, construction, operation, maintenance, or management of a transfer facility.

(b) Requires the board and institutional division to ensure that a service described by Subsection (a) is provided in compliance with standards established under Section 511.017, regardless of which authorized entity provides the service.

(c) Authorizes a transfer facility authorized by this subchapter to be located on private land or land owned by the federal government, the state, or a political subdivision of the state. Authorizes the board to accept land donated for that purpose.

(d) Prohibits a commissioners court of a county from entering into a contract unless the commissioners court first consults with the community justice council serving the county and the most recent community justice plan for the county served by the community justice council that has been approved by the community justice assistance division describes the contract or grant.

Sec. 499.152. **ELIGIBLE INMATES.** Authorizes the institutional division to confine an inmate in a transfer facility if certain conditions are met.

Sec. 499.153. **ADMISSIONS POLICY.** Requires the board to develop, adopt, and enforce an admissions policy to accept from county jails eligible inmates and a transfer policy to transfer eligible inmates to other institutional division facilities.

Sec. 499.154. **CUSTODY STATUS; GOOD CONDUCT TIME.** Provides that an inmate confined in a transfer facility earns good conduct time in the same manner and subject to the same rules as if the inmate were confined in a county jail awaiting transfer to the institutional division.

Sec. 499.155. **DURATION OF CONFINEMENT.** (a) Prohibits the institutional division from confining an inmate in a transfer facility for a period that exceeds 12 months.

(b) Prohibits the institutional division from calculating the previous period of confinement in determining the maximum period a defendant may be confined in a transfer facility following conviction of a subsequent offense, return from the convicting county, or revocation.

(c) Entitles an inmate, if the inmate is discharged or released on parole or mandatory supervision from a transfer facility, to receive release or discharge money from the institutional division in the same amount as an inmate is entitled to receive on release or discharge from any other facility of the institutional division under Section 501.015.

SECTION 1.07. Amends Title 4G, Government Code, by adding Chapter 507, as follows:

CHAPTER 507. STATE JAIL DIVISION

SUBCHAPTER A. STATE JAIL FELONY FACILITIES

Sec. 507.001. **AUTHORITY TO OPERATE OR CONTRACT FOR STATE JAIL FELONY FACILITIES.** (a) Authorizes the state jail division to operate, maintain, and manage state jails to confine inmates described by Section 507.002, and authorizes the

Texas Board of Criminal Justice (board) to finance and construct those facilities. Authorizes the state jail division, with the approval of the board, to contract with the institutional division, a private vendor, or the commissioners court of a county for the construction, operation, maintenance, or management of a state jail felony facility. Authorizes the community justice assistance division, with the approval of the board, to contract with or make a grant to a community supervision and corrections department for the construction, operation, maintenance, or management of a state jail felony facility. Authorizes a community supervision and corrections department or the commissioners court of a county that contracts with the state jail division to subcontract with a private vendor for the provision of any or all services described by this subsection. Authorizes a community supervision and corrections department that contracts or receives a grant under this section to subcontract with the commissioners court of a county for the provision of any or all services described by this subsection. Authorizes the state jail division, with the approval of the board, to make a grant to a community supervision and corrections department or a county for the operation, maintenance, or management of the state jail felony facility. Authorizes the board to contract with a private vendor or the commissioners court of a county for the financing or construction of a state jail felony facility.

(b) Requires the community justice assistance division, after consultation with the advisory committee on community supervision and corrections department management, to adopt rules and procedures establishing minimum requirements for work programs and programs of rehabilitation, education, and recreation in the state jail felony facilities operated under contracts with or grants from the community justice assistance division. Requires the state jail division, for each state jail felony facility operated by the state for the state jail division, to request the assistance of the community supervision and corrections departments and the community justice councils served by the facility in developing work programs and programs of rehabilitation, education, and recreation for defendants confined in the facility. Requires the state jail division and the community justice assistance division, in developing the programs, to attempt to structure programs so that they are operated in a 90-day cycle.

(c) Requires the board to ensure that a service described by Subsection (a) is provided in compliance with standards established by the board, whether the board or the community justice assistance division provides the service or contracts with or makes a grant to an entity listed in Subsection (a) for the provision of the service. Requires the board to ensure that a service described by Subsection (b) is provided in compliance with minimum requirements established under Subsection (b), whether the state jail division or the community justice assistance division provides the service or contracts with an entity listed in Subsection (a) for the provision of that service.

(d) Authorizes a state jail felony facility to be located on private land or on land owned by the federal government, the state, a community supervision and corrections department, or a political subdivision of the state. Authorizes the board to accept donated land for that purpose.

(e) Prohibits a commissioners court of a county or a community supervision and corrections department from entering into a contract unless the commissioners court or department first consults with the community justice council serving the county or serving the department, and the most recent community justice plan of the county or department served by the community justice council that has been approved by the community justice assistance division describes the contract or grant.

Sec. 507.002. ELIGIBLE DEFENDANTS. (a) Authorizes the state jail division to confine in a state jail felony facility defendants required by a judge to serve a term of confinement in a state jail felony facility following conviction of an offense punishable as a state jail felony.

Sec. 507.003. REGIONS. Requires the board to designate not fewer than nine regions

in the state for the purpose of providing regional state jail felony facilities. Requires the board to ensure that regions are designed to efficiently serve community supervision and corrections departments. Prohibits the board from proposing a region that contains a part of an area served by community supervision and corrections departments. Authorizes the board to designate a region that contains only one judicial district, but only if the judicial district serves a municipality with a population of 400,000 or more. Provides that any other provision of law that would otherwise require the board to designate regions on the basis of uniform service regions does not apply to this section.

Sec. 507.004. ALLOCATION POLICIES. Requires the board to adopt and enforce a regional allocation policy to allocate the number of facilities and beds to each region, and an intra-regional allocation policy for each region.

Sec. 507.005. IMPLEMENTATION. (a) Requires the board to provide for the financing, construction, operation, maintenance, and management of the state jail felony facilities for which funds are appropriated by the legislature in two modes.

(b) Sets forth parameters for the implementation of mode one.

(c) Sets forth parameters for the implementation of mode two.

(d) Requires the board, not later than October 1, 1993, to adopt a timetable for the implementation of modes one and two. Requires the board to design the timetable in a manner that permits the institutional division to meet the obligations imposed on the division by Section 499.121(c).

(e) Provides that this section expires September 1, 1995.

Sec. 507.006. USE OF FACILITY FOR TRANSFER INMATES. (a) Authorizes the state jail division, with the approval of the board, to designate one or more state jail felony facilities to house inmates who are eligible for confinement in a transfer facility under Section 499.152, but only if the designation does not deny placement in a state jail felony facility of defendants required to serve terms of confinement in a facility following conviction of state jail felonies.

(b) Provides that Sections 499.154 and 499.155 apply to an inmate eligible for confinement in a transfer facility under Section 499.152 who is nonetheless confined in a state jail felony facility in the same manner as if the inmate were confined in a transfer facility.

(c) Provides that this section expires September 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 507.021. EMPLOYEES; LIMITED LAW ENFORCEMENT POWERS. (a) Authorizes the director of the state jail division or the director's designee to authorize employees of the division to transport inmates and to apprehend escapees from any division of the department. Provides that, during duty hours, an employee acting under authority granted by the director has the same powers and duties as a peace officer, except that the employee is prohibited from acting without express orders from the director or designee.

(b) Authorizes the state jail division to allow employees who are granted law enforcement authority to assist peace officers in any county if the assistance is requested for the purpose of apprehending an escapee of a municipal or county jail and if the division determines that the assistance will not jeopardize the safety and security of the division and its personnel. Provides that an employee who assists a peace officer in the performance of the officer's duties has the same powers and duties as the officer requesting the assistance.

(c) Prohibits an employee of the state jail division from enforcing the laws of this state relating to the prevention of misdemeanors and the detention of persons who commit misdemeanors.

(d) Prohibits an employee described by Subsection (a) from being considered a peace officer for any purpose other than those specified under this section and provides that the employee is not required to be certified by the Commission on Law Enforcement Standards and Education.

Sec. 507.022. EMPLOYEES' SALARIES, ROOM AND BOARD, AND MEDICAL CARE. (a) Provides that salaries of employees of the state jail division and the provision of board, lodging, uniforms, and other provisions to employees are as provided by the General Appropriations Act.

(b) Entitles employees of the state jail division who are injured in the line of duty to receive free medical care and hospitalization from institutional division doctors and the institutional division hospital.

Sec. 507.023. AIDS AND HIV EDUCATION; TESTING. (a) Requires the state jail division to establish and provide education programs to educate state jail division employees and defendants in state jail felony facilities about AIDS and HIV in the same manner as the institutional division.

(b) Requires the state jail division to adopt a policy for handling a defendant with AIDS or HIV and authorizes the division to test a defendant for AIDS or HIV in the same manner and subject to the same conditions as apply to the institutional division.

(c) Defines "AIDS" and "HIV."

Sec. 507.024. TRANSPORTATION OF DEFENDANTS. Requires the board to adopt rules to provide for the safe transfer of defendants. Authorizes a sheriff to transport inmates from counties to state jail felony facilities if the sheriff is able to perform the service as economically as the division. Makes the state jail division responsible for the cost of the transportation. Authorizes defendants to be transported with other persons being transported to the custody of the department provided appropriate security precautions prescribed by policies of the department are taken.

Sec. 507.025. MEDICAL CARE. Authorizes the state jail division, with the approval of the board, to contract with the institutional division, a private vendor, or any public health care provider for the provision of medical services to defendants in state jail felony facilities.

Sec. 507.026. CHANGE IN DESIGNATION OF FACILITY. Authorizes the board to designate any facility under its control as a state jail felony facility and to confine state jail felons in that facility.

Sec. 507.027. INSPECTIONS. Requires the board to adopt rules relating to inspections by the department of state jail felony facility construction projects.

SECTION 1.08. Amends Sections 501.059(h) and (i), Government Code, to make nonsubstantive changes.

SECTION 1.09. Amends Chapter 511, Government Code, by adding Section 511.017, as follows:

Sec. 511.017. DUTIES RELATED TO STATE JAIL FELONY FACILITIES AND INSTITUTIONAL DIVISION TRANSFER FACILITIES. (a) Defines "state jail division," "state jail felony facility," and "transfer facility."

(b) Requires the Commission on Jail Standards to provide the state jail division with

consultation and technical assistance relating to the operation and construction of state jail felony facilities.

SECTION 1.10. Requires the state jail division of the Texas Department of Criminal Justice to propose and the Texas Board of Criminal Justice to designate regions and adopt allocation policies not later than October 1, 1993.

SECTION 1.11. Amends Section 811.001(8), Government Code, to amend the definition of "custodial officer."

SECTION 1.12. Amends Section 2(a)(4), Article 6228f, V.T.C.S., to amend the definition of "custodial personnel of the Texas Department of Corrections."

SECTION 1.13. Amends Section 9, Article 6228f, V.T.C.S., as follows:

Sec. 9. New title: DUTY OF THE TEXAS BOARD OF CRIMINAL JUSTICE. Requires the board to adopt and include in its minutes a formal designation identifying the classes of persons who are custodial personnel of the institutional division or the state jail division so that there is no uncertainty about which persons are custodial personnel.

SECTION 1.14. Amends Chapter 13B, Education Code, by adding Section 13.0323, as follows:

Sec. 13.0323. RESTRICTED CERTIFICATION OF INDIVIDUAL CONVICTED OF A CRIMINAL OFFENSE. Requires the State Board of Education to provide, by rule, for restricted certification as a teacher of an individual convicted of a criminal offense who would be eligible for certification to teach in a public school in this state if the individual had not been convicted of the offense.

(b) Authorizes an individual certified under this section to serve as a teacher only in a correctional facility operated by an agency of the state or a political subdivision of the state.

SECTION 1.15. Effective date for this article: September 1, 1993.

ARTICLE 2

SECTION 2.01. Amends Article 42.13, Code of Criminal Procedure, as follows:

ART. 42.13. COMMUNITY JUSTICE ASSISTANCE DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Sec. 1. PURPOSE; DEFINITIONS. (a) Makes nonsubstantive changes.

(b) Defines "community corrections facility" and "state aid."

Sec. 2. STANDARDS AND PROCEDURES. (a) Requires the division to propose and the board to develop rules establishing a list and description of core services that should be provided by each department and methods for measuring the success of community supervision and corrections programs.

(b) Requires the community justice assistance division to consider guidelines developed and presented by the advisory committee on community supervision and corrections department management to the judicial advisory council established under Section 493.003(b), Government Code.

Sec. 3. RECORDS, REPORTS, AND INFORMATION SYSTEMS. (a) Requires the community justice assistance division to require each department to, among other items, submit a community justice plan and all supporting information requested by the division and present data requested by the division as necessary to determine the amount of state aid for which the department is eligible.

(b) Requires the division to develop an automated tracking system that, among other items, is capable of tracking the defendant and the sentencing event at which the defendant was placed on community supervision by name, arrest, charge code, and incident number. Makes conforming changes.

Sec. 4. New title: INSPECTIONS; AUDITS; EVALUATIONS. (a) Redesignates existing text.

(b) Requires the division to authorize payments under Section 10(a)(1) only if the division determines that the department has made a reasonable effort to maintain workloads established by the division for supervising officers that do not exceed certain ratios.

Sec. 5. COMMUNITY CORRECTIONS FACILITIES. (a) Deletes certain provisions and makes conforming changes to other provisions relating to the establishment and maintenance of community corrections facilities.

(b) Authorizes the division to require that community corrections facilities comply with state and local safety laws and to develop standards for certain purposes.

(c) Redesignates existing Subsection (b) and adds an additional minimum standard provision to community corrections facilities.

(d) Requires standards developed by the division that relate to state jail felony facilities to meet minimum requirements adopted by the board for the operation of state jail felony facilities. Authorizes the board to adopt rules and procedures for the operation of more than one type of state jail felony facility.

(e) Authorizes the board, with the consent of the department operating or contracting for the operation of the facility, to designate any community corrections facility that is an intermediate sanction facility as a state jail facility and confine state jail felons in that facility.

Sec. 6. COMMUNITY JUSTICE PLAN. (a) Authorizes a community justice plan to be amended at any time with the approval of the division. Makes conforming and nonsubstantive changes.

(b) Requires a community justice plan to include a statement of the goals and priorities and of commitment by the community justice council, the district judges who manage the department, and the department to achieve a targeted level of alternative sanctions, a description of methods for measuring the success of programs provided by the department or provided by an entity served by the department, and a proposal for the use of state jail felony facilities and a regional proposal for the construction, operation, maintenance, or management of a state jail felony facility by a county, a community supervision and corrections department, or a private vendor under a contract with a county or community supervision and corrections department. Deletes existing Subsection (c).

Sec. 7. OFFICER CERTIFICATION. (d) Authorizes the community justice assistance division to extend the period for the coursework and examination requirements for an officer under Subsection (b) or (f) for an additional period for certain reasons.

(f)-(g) Make conforming and nonsubstantive changes.

(h) Entitles an officer, if the division proposes to deny, revoke, or suspend an officer's certification or to reprimand the officer, to a hearing before the division or a hearings examiner appointed by the division. Requires the division to adopt procedures for appeals by officers of decisions made by the division to deny, revoke, or suspend a certification or to reprimand an officer.

Sec. 9. PUBLIC MEETING. Deletes existing Section 9 and redesignates existing Section 10. (a)-(e) Make conforming changes.

(f) Prohibits a department, a county, a municipality, or a combination involving more than one of those entities from taking an action under Section 10, Article 42.131, unless the community justice council serving the entity or entities holds a public meeting before the action is taken, with notice provided and the hearing to be held in the same manner as provided by Subsections (a)-(e).

Sec. 10. PAYMENT OF STATE AID. Redesignates existing Section 11. (a) Provides updated procedures for the submission of vouchers to the comptroller.

(b) Makes conforming and nonsubstantive changes.

(c) Redesignates existing Subsection (g) and deletes existing Subsections (c)-(f).

(d) Requires the division to provide state aid to each department on a biennial basis, pursuant to the community justice plan for the biennium submitted by the department. Authorizes a department with prior division approval to transfer funds from one program or function to another program or function.

(e) Requires the division, in establishing per diem payments under Sections (a)(1)-(2), to consider the amounts appropriated in the General Appropriations Act for basic supervision as sufficient to provide basic supervision in each year of the fiscal biennium.

Sec. 11. REFUSAL OR SUSPENSION OF STATE AID. Redesignates existing Section 12. (a) Deletes existing Subsection (a), redesignates existing Subsection (b), and makes conforming changes.

(b) Redesignates existing Subsection (c). Deletes existing Section 13.

SECTION 2.02. Amends Article 42.131, Code of Criminal Procedure, as follows:

ART. 42.131. COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENTS

Sec. 1. DEFINITIONS. Defines "community supervision."

Sec. 2. ESTABLISHMENT OF DEPARTMENTS. Makes conforming and nonsubstantive changes.

Sec. 3. New title: COMMUNITY JUSTICE COUNCIL. (a) Deletes existing Subsection (a) and redesignates existing Subsection (b).

(b) Redesignates existing Subsection (b) and makes conforming and nonsubstantive changes.

Sec. 4. DEPARTMENT DIRECTOR. Requires the district judge or judges to appoint a department director who must meet, at a minimum, the eligibility requirements for officers established under Section 5.

Sec. 5. STANDARDS FOR OFFICERS. Makes conforming and nonsubstantive changes.

Sec. 6. EMPLOYEES; BENEFITS. (a), (b), and (d) Make conforming and nonsubstantive changes.

(c) Provides that a department is a governmental unit for the purposes of Section 101.103(a), Civil Practice and Remedies Code.

Sec. 7. New title: PUBLIC FUNDS. Makes conforming and nonsubstantive changes.

Sec. 8. COUNTIES' FINANCIAL RESPONSIBILITIES. Makes conforming changes.

Sec. 9. DISTRICT'S FINANCIAL RESPONSIBILITIES. (b) Requires the district to set as the level of contribution a county or counties must meet or exceed to receive district funds under Subsection (a) a level not lower than the average level provided by the county or counties during the fiscal year in which the funds are to be received and the four fiscal years immediately preceding that year.

Sec. 10. STATE FUNDS OR GUARANTEES FOR CORRECTIONS FACILITIES. (a) Defines "community corrections facility" and "state jail felony facility."

(b) Authorizes a department, county, municipality, or a combination involving more than one of those entities to establish a community corrections facility and are specifically encouraged to purchase or enter into a contract for the use of abandoned or underutilized public facilities for the purpose of providing community corrections facilities.

(c) Redesignates existing Subsection (c) and makes conforming changes.

(d) Authorizes a department to acquire, hold title to, and own real property for the purpose of establishing a community corrections facility or a state jail felony facility.

(e) Prohibits a department, county, municipality, or a combination involving more than one of those entities from using a facility or real property purchased, acquired, or improved with state funds unless the division, or the state jail division in the case of a state jail felony facility, first approves the use.

(f) Entitles the division or the state jail division, as appropriate, to reimbursement from an entity described by Subsection (e) of all state funds used by the entity without division approval as required by Subsection (e).

Sec. 12. RESTITUTION. (a) Requires the community supervision and corrections department that receives a payment for disbursement to a victim to immediately deposit the payment in an interest-bearing account in the department having original jurisdiction if a judge requires a defendant to make restitution to a victim of the defendant's offense and a percent is received from the defendant for transmittal to the victim of the offense. Requires the department to transmit the payment to the victim as soon as practicable.

(b) Requires the department, if a victim cannot be located and immediately after receiving a final payment in satisfaction of an order or restitution for the victim, to attempt to notify the victim of that fact by certified mail. Requires the department, if a victim makes a claim for payment, to remit the payment to the victim. Requires the department, within a specific time and if the victim has not made a claim for payment, to transfer the payment from the interest-bearing to the comptroller, after deducting five percent of the payment as a collection fee and deducting any interest accrued on the payment. Requires the comptroller to deposit the payment in the state treasury in the compensation to victims of crime auxiliary fund.

(c) Requires the collection fee and the accrued interest to be deposited in the special fund of the county treasury provided by Section 10, Article 42.13, to be used for the same purposes for which state aid may be used under that section. Provides that the department has a maximum of 121 days after the four-year expiration date to transfer the funds to the comptroller's office. Provides that failure to comply with the 121-day deadline will result in a five percent collection fee penalty calculated from the total deposit and all interest attributable to the unclaimed funds.

(d) Requires the department, if the victim of the offense claims the payment during the four-year period in which the payment is held in the interest-bearing account, to pay the victim the amount of the payment, less any interest earned while holding payment. Provides that after the payment has been transferred to the comptroller, the department

has no liability in regard to the payment, and requires any claim for the payment to be made to the comptroller. Requires the comptroller, if the victim makes a claim to the comptroller, to pay the victim the amount of the original payment, less the collection fee, from the compensation to victims of crime auxiliary fund.

Sec. 13. PROGRAM TO ASSESS AND ENHANCE DEFENDANT'S EDUCATIONAL AND VOCATIONAL SKILLS. (a) Authorizes a department, with the assistance of certain entities, to establish a developmental program for a defendant under the supervision of the department on the basis of information obtained in the presentence investigation report prepared for the defendant.

(b) Authorizes the developmental program to provide the defendant with the educational and vocational training to certain goals.

(c) Requires the Texas Department of Commerce, to decrease expenditures by community supervision and corrections departments for the educational and vocational skills assessment and enhancement program, to provide information to certain entities for obtaining financial assistance through the Texas Job-Training Partnership Act and other applicable programs of public or private entities.

SECTION 2.03. (a) Amends Section 493.003(b), Government Code, to provide for staggered terms for judicial advisory council members.

(b) Sets forth the manner by which the terms of the members of the judicial advisory council will be changed.

SECTION 2.04. (a) Amends Subsections (a) and (d), Article 102.011, Code of Criminal Procedure, to include a defendant convicted of a felony among those defendants required to pay certain fees.

(b) Makes application of this section prospective.

SECTION 2.05. Amends Article 103.009, Code of Criminal Procedure, as follows:

Art. 103.009. New title: FEE RECORDS. Makes conforming changes.

SECTION 2.06. Effective date for this article: September 1, 1993.

ARTICLE 3

SECTION 3.01. Amends Section 493.009, Government Code, as follows:

Sec. 493.009. SUBSTANCE ABUSE FELONY PUNISHMENT FACILITIES. (a) Requires the department, with the cooperation of the Texas Commission on Alcohol and Drug Abuse, to establish a program to confine and treat defendants required to participate in the program under Section 14, Article 42.12, Code of Criminal Procedure.

(b) Requires the board to adopt criteria to determine the suitability of candidates for participation in the program. Makes conforming changes.

(c)-(e) Make conforming changes.

(f)(1) Requires the department to adopt rules of conduct for persons required to participate in the program under Section 14, Article 42.12, Code of Criminal Procedure, or required to participate in the program following modification of probation or parole.

(2) Requires the qualified personnel with primary responsibility for treating a defendant and the individual in charge of security in the facility to notify the department of their determination that the defendant is not complying with the rules

or is medically or psychologically unsuitable for the program.

(3) Requires the department, upon receipt of notice, to request the sentencing court to reassume custody of the defendant if the defendant was required to participate in the program. Requires the court to reassume custody before the 12th day after the department notifies the court. Provides that if the court revokes the defendant's probation, the admission of the defendant to the institutional division is an admission for which the county from which the defendant was sentenced is charged under the allocation formula established under Section 499.071.

(4) Requires the department to request, upon receipt of notice, the pardons and paroles division to reassume custody of the defendant if the defendant was required to participate in the program following modification of parole. Requires the pardons and paroles division to take action in accordance with established policies and procedures of the Board of Pardons and Paroles to remove the defendant from the program. Provides that if a parole panel revokes the defendant's parole, the admission of the defendant to the institutional division is an admission for which the county from which the defendant was sentenced is charged under the allocation formula established under Section 499.071.

(5) Requires the department, if the defendant was transferred to the facility from a county jail, to return the defendant to the county jail.

(6) Provides that a court's recommendation that a defendant be placed in a program created under this section does not give the court the power to hold the department or any officer or employee of the department in contempt of court for failure to adhere to that recommendation.

(g)-(m) Make conforming and nonsubstantive changes.

(n) Requires the department to separate participants in the program from inmates of the institutional division, except at times determined necessary by the department for the purpose of transportation or staging or for medical or security reasons.

(o) Requires the Texas Commission on Drug and Alcohol Abuse, if a defendant required to participate in the program is released after successful completion of the program, to contract for transportation of the participant at the expense of the commission to an appropriate continuum of care program.

(p) Requires the Criminal Justice Policy Council, with the assistance of the Texas Commission on Alcohol and Drug Abuse, to develop methods to evaluate the processes used by the department in providing the program and the level of success achieved by the program.

SECTION 3.02. Amends Section 501.0931, Government Code, by amending Subsections (c), (d), (g), (h), and (j), and by adding Subsection (k), as follows:

(c) Requires the program to consist of a treatment program of indeterminate length, not to exceed 12 months.

(d) Requires the institutional division to separate an inmate who successfully completes the program from the general population of the division during any period after the completion and before the inmate is discharged or released on parole or mandatory supervision from the department.

(g) Requires the institutional division to adopt a procedure for determining which eligible inmates are the best candidates for participation in the program, with priority for those eligible inmates who volunteer.

(h) Requires qualified personnel to notify the institutional division and requires, rather

than authorizes, the institutional division to end the inmate's participation in the program and transfer the inmate out of the program if the qualified professional implementing the program determines that an inmate is not complying with the rules of the program.

(j) Prohibits the institutional division or a qualified professional implementing the program from operating the program in a manner that automatically excludes inmates who do not volunteer to participate. Requires the division and the treatment provider to attempt to encourage nonvolunteer inmates to participate.

(k) Requires the Criminal Justice Policy Council, with the assistance of the institutional division, to develop methods to evaluate the processes used by the division in providing the program and the level of success achieved by the program.

SECTION 3.03. Amends Section 8, Article 42.18, Code of Criminal Procedure, by amending Subsection (g) and adding Subsection (g-1), as follows:

(g) Requires the parole panel to require as a condition of parole or mandatory supervision that an inmate who immediately before the release is a participant in the program established under Section 501.0931, Government Code, participate in a drug or alcohol abuse continuum of care treatment program.

(g-1) Requires the Texas Commission on Alcohol and Drug Abuse to develop the continuum of care treatment program.

SECTION 3.04. Effective date for this article: September 1, 1993.

ARTICLE 4

SECTION 4.01. Amends Section 499.0021(b), Government Code, to make conforming changes.

SECTION 4.02. Amends Section 499.003(d), Government Code, to provide for the taking of a thumbprint, rather than fingerprints.

SECTION 4.03. Amends the heading of Section 499.052, Government Code, as follows:

Sec. 499.052. STATE BOOT CAMP PROGRAM.

SECTION 4.04. Amends the subchapter heading of Subchapter D, Chapter 499, Government Code, as follows:

SUBCHAPTER D. ALLOCATION FORMULAS

SECTION 4.05. Amends Section 499.071, Government Code, as follows:

Sec. 499.071. ALLOCATION FORMULA. (a) Makes conforming and nonsubstantive changes.

(b) Requires the board to adopt and enforce an allocation formula that fairly and equitably allocates community corrections program funding to each community supervision and corrections department. Requires the board, in devising the formula, to use the factors listed in Subsection (a), but authorizes the board to assign different weights to those factors than those used in developing the admissions allocation formula. Authorizes the board to use factors not listed in Subsection (a) in devising the formula under this subsection.

(c)-(d) Redesignate existing Subsections (b) and (c).

SECTION 4.06. Amends Section 5(a), Article 601d-1, V.T.C.S., to include facilities authorized by Section 495.001(a), Government Code, facilities authorized by Section 495.021(a), Government Code, and criminal justice facilities for the Texas Department of Criminal Justice

among facilities for which the authority may issue bonds.

SECTION 4.07. Amends Section 493.012, Government Code, as follows:

Sec. 493.012. New title: **HISTORICALLY UNDERUTILIZED BUSINESSES.** (a) Requires the board and the department each to make a good faith effort to assist historically underutilized businesses to receive at least 30 percent of the total value of certain contracts.

(b) Requires a report by the board and the department relating to the level of historically underutilized business participation to include certain information.

(c) Defines "historically underutilized business."

SECTION 4.08. Amends Chapter 494, Government Code, by adding Section 494.011, as follows:

Sec. 494.011. **SEAL OF INSTITUTIONAL DIVISION.** (a) Requires the institutional division to use an official seal to certify documents received by the director under Sections 8(a) and (c), Article 42.09, Code of Criminal Procedure.

(b) Requires the official seal to contain an engraved, five-pointed star in the center with the words "Texas Department of Criminal Justice - Institutional Division" around the margin.

SECTION 4.09. Effective date for this article: September 1, 1993.

ARTICLE 5

SECTION 5.01. Amends Article 42.18, Code of Criminal Procedure, by adding Section 8A, as follows:

Sec. 8A. (a) Requires a parole panel, in addition to other imposed conditions, to require as a condition of parole or release to mandatory supervision that the defendant reside during the period of parole or mandatory supervision in the county in which the defendant resided at the time of committing the offense for which the defendant was sentenced to the institutional division or the defendant committed the offense for which the defendant was sentenced to the institutional division, but only if the defendant was not a resident of this state at the time of committing the offense.

(b) Authorizes a parole panel to require a defendant to reside in a county other than the county required by Subsection (a) of this section to protect the life or safety of a victim of the defendant's offense, the defendant, a witness in the case, or any other person, or increase the likelihood of the defendant's successful completion of mandatory supervision, because of certain factors.

(c) Authorizes a parole panel, at any time after a defendant is released on parole or mandatory supervision, to modify the conditions of the parole or release on mandatory supervision to require the defendant to reside in a county other than the county requires by the original conditions. Requires a parole panel, in making a decision under this subsection, to consider the factors listed in Subsection (b).

(d) Requires a parole panel, if the parole panel initially requires the defendant to reside in a county other than the county requires by Subsection (a), to subsequently require the person to reside in the county described by Subsection (a) if the requirement that the defendant reside in the other county was based on certain factors.

(e) Requires a parole panel, if the panel requires the defendant to reside in a county other than the county required by Subsection (a), to state the reason for its decision in writing, and place the statement in the defendant's permanent record.

(f) Provides that this section does not apply to a decision by a parole panel to require a defendant to serve the period of parole or mandatory supervision in another state.

SECTION 5.02. Amends Chapter 413, Government Code, by adding Section 413.019, as follows:

Sec. 413.019. REPORT ON INMATE RELEASE STATISTICS. (a) Requires the policy council to determine certain statistical information each month.

(b) Requires the policy council to submit to the Texas Board of Criminal Justice an annual report that includes certain information for the preceding 12 months.

(c) Requires the report to include the number of persons under the supervision or custody of the Texas Department of Criminal Justice at the end of a fiscal year, including the type and status of the supervision or custody.

(d) Requires the Texas Board of Criminal Justice to review the information in the annual report to enable the division to make an appropriate and equitable distribution of inmates in each county.

(e) Requires the Texas Department of Criminal Justice to provide on a monthly basis in computer format data required by the policy council to prepare reports under this section.

SECTION 5.03. Requires the Criminal Justice Policy Council to make its first annual report not later than January 1, 1994.

SECTION 5.04. Effective date for this article: September 1, 1993.

ARTICLE 6

SECTION 6.01. Amends Sections 413.009, 413.012, 413.015, 413.017, and 413.018, Government Code, as follows:

Sec. 413.009. DUTIES OF POLICY COUNCIL. Deletes provisions requiring the Criminal Justice Policy Council to recommend goals, priorities, and standards for the allocation of criminal justice planning funds and to implement the criminal justice report.

Sec. 413.012. CONTRACTUAL AUTHORITY. Deletes existing Subsection (b).

Sec. 413.015. New title: **CRIMINAL JUSTICE PLAN; BIENNIAL REPORT.** Requires the policy council to submit a biennial, rather than an annual, report to the legislature. Deletes existing Sections 413.017 and 413.018.

SECTION 6.02. Effective date for this article: September 1, 1993.

ARTICLE 7

SECTION 7.01. Amends Article 26.051, Code of Criminal Procedure, by adding Subsections (g) and (h), as follows:

(g) Requires the court to appoint an attorney other than an attorney provided by the board if the court determines that for certain reasons that a conflict of interest could arise from the use of an attorney provided by the board under Subsection (e).

(h) Requires the county, when a court appoints an attorney other than the attorney provided by the board, to pay from its general fund the first \$250 of the aggregate sum allowed and awarded by the court for the attorney fees under Article 26.05. Requires the court, if the fees awarded for a court-appointed attorney in a case described by this subsection exceed \$250, to certify the amount in excess of \$250 to the board. Requires

the comptroller, on request by the board, to issue a warrant to the court-appointed attorney in the amount certified to the board by the court.

SECTION 7.02. Repealer: Article 26.051(f), Code of Criminal Procedure.

SECTION 7.03. Effective date for this article: September 1, 1993.

ARTICLE 8

SECTION 8.01. Appropriates the balance of the economic stabilization fund, not to exceed \$72 million, to the Texas Department of Criminal Justice for the operation of additional capacity and increased supervision for probation.

SECTION 8.02. Effective date for this article: September 1, 1993.

ARTICLE 9

SECTION 9.01. Amends Section 21, Article 6252-13a, V.T.C.S. (Administrative Procedure and Texas Register Act), by adding Subsection (j), as follows:

(j) Provides that this Act does not apply to a rule or internal procedure of the Texas Department of Criminal Justice or Texas Board of Criminal Justice that applies to an inmate or any other person under the custody or control of the department, or to an action taken under that rule or procedure.

SECTION 9.02. Amends Chapter 493, Government Code, by adding Section 493.013, as follows:

Sec. 493.013. **APPLICABILITY OF CERTAIN GRIEVANCE PROCEDURES.** Provides that a grievance procedure of the department or a division of the department applies to a grievance of an inmate or other person under the custody or control of the department relating to a rule or internal procedure of the board or department.

SECTION 9.03. Effective date for this article: September 1, 1993.

ARTICLE 10

SECTION 10.01. Amends Section 6(c), Article 42.18, Code of Criminal Procedure, as follows:

(c) Requires the governor, in order to facilitate the work of the Board of Pardons and Paroles, to appoint the chairman of the board to serve as chairman of the executive committee. Requires the chairman to appoint six board members to serve on the executive committee. Provides that the committee members serve in that capacity at the pleasure of the chairman. Makes conforming changes.

SECTION 10.02. Amends Article 42.18, Code of Criminal Procedure, by adding Sections 6A and 6B, as follows:

Sec. 6A. **PERSONNEL OF BOARD.** (a) Authorizes the Texas Board of Criminal Justice to adopt rules for the employment and supervision of personnel of the board.

(b) Sets forth the types of personnel the board is required to employ and supervise.

(c) Requires the board to develop and implement personnel policies.

Sec. 6B. **GIFTS AND GRANTS.** Authorizes the board to apply for and accept gifts or grants from any public or private source for use in any lawful purpose of the board.

SECTION 10.03. Amends Sections 7(c)-(f), Article 42.18, Code of Criminal Procedure, as follows:

(c)-(d) Make conforming and nonsubstantive changes.

(e) Provides that the members of the panel are not required to meet as a body to perform the member's duties as prescribed by this article, except to conduct a hearing as provided by Section 14.

(f) Makes conforming changes.

SECTION 10.04. Amends Sections 8(a), (e), (f), and (h), Article 42.18, Code of Criminal Procedure, as follows:

(a) Requires, rather than authorizes, the institutional division to provide the board with sentence time credit information on persons described in this subsection. Deletes certain references to the pardons and paroles division.

(e) Requires the Texas Department of Criminal Justice, rather than the pardons and paroles division, to secure all pertinent information relating to the prisoner. Requires the department to establish a proposed program of measurable institutional progress that must be submitted to the board at the time of the board's consideration of the inmate's case for release. Requires the board to conduct an initial review of an eligible inmate not later than the 180th day after the inmate's admission to the institutional division. Requires the inmate, before the inmate is approved for release to parole by the board, to agree to participate in the programs and activities described by the proposed program of measurable institutional progress. Requires the institutional division to work closely with the board to monitor the progress of the inmate in the institutional division and to report the progress to the board before the inmates release.

(f)(1)-(4) Make conforming and nonsubstantive changes.

(5) Requires the board to review parole guidelines periodically and make reports on those reviews to the Legislative Criminal Justice Board. Requires a member of the board, if the member deviates from the parole guidelines in casting a vote on a parole decision, to produce a brief written statement describing the circumstances regarding the departure from the guidelines and place a copy of the statement in the file of the inmate for whom the parole decision was made. Requires the board to keep a copy of each statement in a central location.

(h) Makes conforming changes.

SECTION 10.05. Amends Section 9, Article 42.18, Code of Criminal Procedure, as follows:

Sec. 9. New title: DUTY TO PROVIDE INFORMATION, COMPUTERS, AND OFFICES. (a) Creates this subsection from existing text.

(b) Authorizes the Texas Department of Criminal Justice to provide to the board necessary computer equipment and computer access to all computerized records and physical access to all hard copy records in the custody of the department that are related to the duties and functions of the board.

(c) Authorizes the Texas Department of Criminal Justice to provide to the board necessary and appropriate office space in the locations designated by the chairman of the board and utilities and communication equipment.

SECTION 10.06. Amends Section 10, Article 42.18, Code of Criminal Procedure, to include employees of the board among the persons who may be granted access to any prisoner.

SECTION 10.07. Amends Section 13(a), Article 42.18, Code of Criminal Procedure, to authorize certain prisoners to be issued by the director or designated agent of the director in cases of parole or mandatory supervision, or by the board on order by the governor in other cases, if, among other conditions, the person has been arrested for an offense, if there is a certified complaint

stating that the person violated a rule or condition of release, or if there is reliable evidence that the person has exhibited behavior during the person's release that indicates to a reasonable person that the person poses a danger to society that warrants the person's immediate return to custody. Authorizes the person to be held in custody pending a determination of all facts surrounding the alleged offense, violation of a rule or condition of release, or dangerous behavior. Provides that a designated agent of the director acts independently from a parole officer and requires the agent to receive specialized training as determined by the director. Makes conforming and nonsubstantive changes.

SECTION 10.08. Amends Section 14, Article 42.18, Code of Criminal Procedure, to authorize a parole panel or designee to hold a hearing at a date later than the required date if it determines a delay is necessary to assure due process for the person, except that the authority issuing the warrant shall immediately withdraw the warrant if the hearing is not held before the 121st day after the arrest, regardless of whether the person agrees to delay the hearing until after that date. Deletes a provision requiring the board to develop and implement a system of sanctions. Makes conforming and nonsubstantive changes.

SECTION 10.09. Amends Sections 15(b) and (c), Article 42.18, Code of Criminal Procedure, to transfer certain authority granted under this section from a parole panel to the pardons and paroles division.

SECTION 10.10. Amends Section 17, Article 42.18, Code of Criminal Procedure, by adding Subsection (c), as follows:

(c) Authorizes the pardons and paroles division, at any time before setting a revocation hearing date under Section 14(a), to withdraw a warrant and continue supervision of a released person.

SECTION 10.11. Amends Section 24, Article 42.18, Code of Criminal Procedure, to make conforming changes.

SECTION 10.12. Amends Section 25(g), Article 42.18, Code of Criminal Procedure, to authorize the pardons and paroles division to enter into a contract with a public or private vendor for the financing, construction, operation, or management of community-based facilities using lease-purchase or installment sale contracts to provide or supplement certain services.

SECTION 10.13. Amends Section 4, Article 42.18, Code of Criminal Procedure, by adding Subsection (a-1), as follows:

(a-1) Prohibits the compensation or reimbursement that a board member's spouse receives as an employee of the board or of the Texas Department of Criminal Justice from being considered in determining the eligibility under Subsection (a)(3). Provides that this subsection does not effect any restriction on employment or board membership imposed by any other law.

SECTION 10.14. Amends Section 17, Article 42.18, Code of Criminal Procedure, by adding Subsection (d), as follows:

(d) Authorizes the Texas Department of Criminal Justice, through the pardons and paroles division and as part of a pilot program, to contract with the commissioners court of Travis County of the Travis County community supervision and corrections department for the supervision of inmates released on parole or mandatory supervision. Prohibits the commissioners court or the community supervision and corrections department from entering into a contract under this section without first consulting with the community justice council serving Travis County. Authorizes the commissioners court or the community supervision and corrections department to subcontract with a private vendor for the provision of any or all services described in this subsection. Provides that this subsection expires on September 1, 1995.

SECTION 10.15. (a) Requires the Board of Pardons and Paroles, not later than September 1,

1994, to determine the appropriate qualifications of hearings officers to be employed by the board and designated to conduct hearings. Requires the board to submit a report of the qualifications to the Legislative Budget Board and governor's office for approval. Provides that any new qualifications are effective not later than September 1, 1995.

(b) Provides that an employee of the pardons and paroles division of the Texas Department of Criminal Justice who performs tasks relating to the powers, duties, and obligations created under this article and assigned to the Board of Pardons and Paroles becomes an employee of the Board of Pardons and Paroles on September 1, 1993, to be assigned at the direction of the chairman of the Board of Pardons and Paroles.

(c) Transfers from funds appropriated for the fiscal years ending in 1995 and 1995 by the legislature to the Texas Department of Criminal Justice for the payment of certain obligations to the Board of Pardons and Paroles \$5,785,766 for 1994 and \$5,636,375 for 1995.

SECTION 10.16. Effective date for this article: September 1, 1993.

ARTICLE 11

SECTION 11.01. Amends Article 42.18, Code of Criminal Procedure, by adding Section 4A, as follows:

Sec. 4A. PROHIBITED REPRESENTATION. (a) Provides that this section applies to a person who is eligible to represent a person for compensation under Section 11 of this article.

(b) Prohibits a person serving as a member or employee of the Board of Pardons and Paroles or the Texas Board of Criminal Justice, for a period of 10 years after the date the person ceases to be a board member or employee, from representing any person in a matter before the board or a panel of the board or receive compensation for services rendered on behalf of any person regarding a matter pending before the board or a panel of the board.

(c) Prohibits a person, other than a person subject to Subsection (b), who is employed by the Texas Department of Criminal Justice, for a period of 10 years after the person terminates service with the department, from representing an inmate in a matter before the board or a panel of the board or receive compensation for services rendered on behalf of any person regarding a matter pending before the board or a panel of the board.

(d) Prohibits a former member or employee of the Board of Pardons and Paroles or the Texas Board of Criminal Justice or a former employee of the Texas Department of Criminal Justice from representing any person or receiving compensation for services rendered on behalf of any person regarding a matter pending before the board or a panel of the board with which the former member or employee was directly concerned during the period of service or employment on or with either board or the department.

(e) Provides that a former member or employee of the Board of Pardons and Paroles or the Texas Board of Criminal Justice or a former member of the department commits an offense if the former member or employee violates this section. Provides that an offense under this section is a Class A misdemeanor.

SECTION 11.02. Amends Section 7, Article 42.18, Code of Criminal Procedure, by adding Subsections (g) and (h), as follows:

(g) Authorizes the board to grant parole to a person convicted of a capital felony only on a two-thirds vote of the entire membership of the board.

(h) Requires the board to develop for its members a comprehensive training and education

program on the Texas criminal justice system, with special emphasis on the parole process. Prohibits a new member from participating in a vote of the board or a panel until the member completes the program.

SECTION 11.03. Amends Section 8, Article 42.18, Code of Criminal Procedure, by adding Subsection (o), as follows:

(o) Requires the board to develop for its members a comprehensive program to inform inmates, their families, and other interested parties about the parole process. Requires the division to update the program annually.

SECTION 11.04. Amends Section 11, Article 42.18, Code of Criminal Procedure, as follows:

Sec. 11. New title: REPRESENTATION OF INMATES. (a) Requires the board to adopt rules, among other items as to the time, place, and manner of contact between a person representing an inmate and a member of the board, an employee of the board, or an employee of the pardons and paroles division.

(b) Requires a person who represents an inmate for compensation to be an attorney licensed in this state and to register with the Texas Ethics Commission.

(c) Requires a person required to register under this section to file a fee affidavit with the pardons and paroles division in a form prescribed by the division for each inmate the person represents for compensation before the person first contacts a member of the board, an employee of the board, or an employee of the pardons and paroles division on behalf of the inmate.

(d) Requires the fee affidavit to be written and verified and to contain certain information.

(e) Requires the division, not later than the third day after the affidavit is filed, to place a copy of the affidavit in the file of an inmate that a parole panel or board reviews. Requires the division to also keep a copy of each fee affidavit in a central location.

(f) Requires a person, if the person who has registered under this section receives compensation in excess of the amount reported on the fee affidavit, to file with the pardons and paroles division, within a specific time frame, a supplemental fee affidavit in a form prescribed by the division indicating the total amount of compensation received for representing that inmate. Requires the division to follow the procedure in Subsection (e) to process the supplemental affidavit.

(g) Requires a person required to register under this section, for each calendar year the person represents an inmate, to file a representation summary form with the Texas Ethics Commission on a form prescribed by the commission. Requires the form to be filed not later than the last day of January in the first year following the reporting period and to include certain information.

(h) Requires a person who registers under Subsection (g) and for whom the information required for registration has changed to file a supplemental statement with the Texas Ethics Commission indicating the change.

(i) Requires the Texas Ethics Commission to submit to the pardons and paroles division a copy of each representation summary form that is filed.

(j) Provides that a person commits an offense if that person is not an attorney licensed in this state. Provides that an offense under this subsection is a Class C misdemeanor.

(k) Provides that a person commits an offense if the person is required to register under Subsection (g) or make a filing under Subsections (c), (f), or (h) and the person

fails to register or make the filing. Provides that an offense under this subsection is a Class C misdemeanor.

(l) Provides that failure to register as required by Subsections (b) and (g) constitutes a violation of a law administered and enforced by the Texas Ethics Commission for the purpose of Section 1.28, Article 6252-9d.1, V.T.C.S.

(m) Defines "compensation," "inmate," and "represent."

SECTION 11.05. Amends Section 18, Article 42.18, Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 11.06. Amends Chapter 413, Government Code, by adding Section 413.021, as follows:

Sec. 413.021. REVIEW OF USE OF PAROLE GUIDELINES. Requires the policy council to report at least annually to the Legislative Criminal Justice Board, the Texas Board of Criminal Justice, and the Board of Pardons and Paroles on the use of the parole guidelines by each member of the board in making parole decisions.

SECTION 11.07. (a) Makes application of Section 4A, Article 42.18, Code of Criminal Procedure, as added by this article, prospective.

(b) Makes application of Section 7(h), Article 42.18, Code of Criminal Procedure, as added by this article, prospective.

(c) Requires the Criminal Justice Policy Council to make its first report as required by Section 413.021, Government Code, not later than January 1, 1995.

SECTION 11.08. Effective date for this article: September 1, 1993.

ARTICLE 12

SECTION 12.01. Provides that this Act takes effect only if Senate Bill 1067, Acts of the 73rd Legislature, Regular Session, 1993, takes effect.

SECTION 12.02. Emergency clause.